

## REMARKS

Applicant appreciates the cooperation shown by Examiner Chen in scheduling and conducting the personal interview of June 6, 2006.

### ***Status of the Claims***

Upon entry of this Amendment, claims 1-20 and 37-52 will be pending in this application. Non-elected claims 21-36 have been canceled without prejudice to their introduction herein or in a future continuation or divisional application.

Applicant respectfully submits that the above amendments are fully supported by the original disclosure. The amendments to claims 1 and 11 are supported in the original disclosure at, for example, page 20, lines 8-15. Claim 11 has been further amended to emphasize its shared features with claim 1, for reasons stated below. The amendments to claims 8, 9, 18, and 19 have been presented to clarify antecedent basis.

Applicant further respectfully submits that the subject matter of new claims 37-52 is fully supported by the original disclosure. New claims 37-41, 51, and 52 are supported in the original disclosure at, for example, page 11, line 7 to page 13, line 14, and page 20, lines 8-15. New claims 42-50 correspond to claims 2-10, respectively, but depend from claim 41.

Approval and entry of the above claim amendments and the new claims are respectfully requested.

### ***Election/Restrictions***

The Examiner has withdrawn claims 4 and 11-36.

Applicant respectfully submits that claim 1 is generic to claims 11-20. To emphasize this relationship, independent claim 11 has been amended to recite the specific language of claim 1. Because claim 11 shares all of the limitations of claim 1, claim 11 and claims 12-20 which depend from claim 11 are eligible for rejoinder. Applicant also respectfully submits that claim 1 is generic to claim 4, as evidenced by the dependency of claim 4 from claim 1. As stated by the Examiner at page 4 of the October 1, 2005 Office Action, “[u]pon the allowance of a generic claim [e.g., claim 1], applicant will be entitled to consideration of claims to additional species [e.g., claims 4 and 11-20] which are written in dependent form or otherwise include all the limitations of an allowed generic claim.”

Applicant further respectfully submits that new claims 37, 38, 41-43 and 45-52 read on the elected Group and species. Claims 37 and 38 depend from claim 1, and are not limited to either of the species identified on page 3 of the October 6, 2005 Office Action. Independent claim 41 falls within Group I set forth in the October 6, 2005 Office Action, and similarly is not limited to either of the species identified in the October 6, 2005 Office Action. New claims 42, 43, and 45-50 depend from claim 41 and correspond in subject matter to claims 2, 3, and 5-10, respectively, which were not withdrawn. New claims 51 and 52 depend from claim 41 and correspond in subject matter to claims 37 and 38, which as explained above are not within a restricted species.

Finally, Applicant respectfully submits that new claims 39, 40, and 44 are eligible for rejoinder upon allowance of generic claim 1. New claims 39 and 40 are dependent from claim 11, which as noted above is eligible for rejoinder upon allowance of generic

claim 1. New claim 44 depends from claim 41, which is also eligible for rejoinder upon allowance of generic claim 1.

### ***Double Patenting***

Claims 1-3 and 5-10 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-63 of copending application 10/698,937 (US 2005/0094311).

In accordance with the Examiner's constructive suggestion, a terminal disclaimer has been filed herewith, together with a terminal disclaimer fee. Applicant respectfully requests withdrawal of the rejection.

### ***Claim Rejections -- 35 U.S.C. § 103***

Claims 1-3 and 5-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,725,931 to Landin et al. or U.S. Patent No. 3,833,404 to Sperling et al. in view of U.S. Patent No. 5,695,867 to Saitoh et al. Claims 6 and 7 have been rejected over Landin or Sperling in view of Saitoh, and further in view of U.S. Patent No. 5,855,353 to Shaffer et al.

Applicant respectfully traverses these rejections.

Claim 1 recites a damper component featuring a constraining layer structured to contact opposite surfaces and edges of a viscoelastomer-containing damper layer so that the constraining layer completely encases the damper layer. This structural relationship between constraining and damper layers, which relationship is described in the specification at, for example, page 20, lines 8-15, clearly distinguishes the claimed

damper component from the cited art damper layers, when taken alone or in combination with one another.

The damper layers disclosed in Landin and Sperling are constructed to place one surface of their viscoelastomers in direct contact with the device to be damped. Landin states that its damper material has one side attached to a backing, and the other side bonded to the article to be dampened, e.g., a rotatable storage article. (Column 13, line 66 to column 14, line 9) Sperling states that “[d]amping of vibratory or noise emitting surface may be achieved by adhering to a surface, preferably by coating, a layer of viscoelastic material.” (Column 1, lines 50-55) Sperling also discusses the alternate layering of damping materials and constraining layers, but fails to disclose complete encasement of the damping layer by a constraining layer. Saitoh illustrates a damper layer 5 having a constraining layer 3 on one surface, and a liner 7 on the opposite surface. Constraining layer 3 does not completely encase the damper layer 5 in Saitoh. Shaffer has been cited merely for its disclosure of fillers.

Applicant respectfully submits that the art applied by the Examiner in support of the Section 103 rejections discloses damper components that are representative of the state of art described in the background section of the present application. Known viscoelastomeric damper components are applied directly to noise-emanating/resonating devices so that the viscoelastomer contacts, either directly or via a bonding agent, with the device to be damped. This arrangement presents drawbacks that are detailed in the background section of the patent application. Viscoelastomers generally have inferior shapeability compared to sheet molding compounds. Viscoelastomers are difficult to mold in such as manner as to match noise-emanating/resonating devices having complex

shapes. As a consequence, contact between the surface of the viscoelastomer and the surface of a complex-shaped noise-emanating/resonating device may not be continuous. Another drawback of the type of damper layers described in the applied art is that often the noise-emanating/resonating device must be redesigned to create sufficient space for accommodating the conventional damper, i.e., so that the exposed viscoelastomeric layer may sit in contact with the device. Redesign of the device and fitting the viscoelastomer on the surface of the device can increase manufacturing time and costs. In retrofitting applications, it may not be possible to place the conventional viscoelastomeric damping component in an effective location if space is not fortuitously present.

The present invention overcomes these problems by encasing the viscoelastomer in a polyester constraining layer. As described at pages 20-21 of the specification, the constraining layer is highly shapeable, making it possible to mold the damper component in various shapes, including complex shapes that make it possible to achieve continuous contact between the damper component and the noise-emanating/resonating devices of various shapes and sizes. Additionally, as described at page 23 of the specification, its high shapeability makes it possible to mold the damper component into identical shapes of components of the noise-emanating/resonating device, thereby permitting the molded damper component to be exchanged for the identically shaped component of the device to be dampened. One example of such an application is the exchange of a disc drive cover or base with a damper component of the present invention molded to possess an identical shape and size as the replaced disc drive cover/base. These advantageous uses of the present invention are not disclosed or relevant to the cited art.

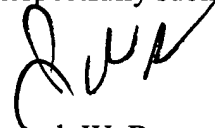
For all of these reasons, Applicant respectfully submits that the Section 103(a) rejections of claim 1 are misplaced. Applicant further respectfully submits that claims 2, 3, and 5-10, being dependent from claim 1 and incorporating all of the distinguishing features of claim 1, are patentable over the applied art for the reasons advanced above, and for the additional reason that the added subject matter thereof (when taken in combination with claim 1) is neither disclosed in nor reasonably suggested by the art.

Reconsideration and withdrawal of the Section 103(a) rejections of claims 1-3 and 5-10 are respectfully requested.

***Conclusion***

If, after reviewing the above, the Examiner believes any issues remain unresolved, the favor of an Examiner interview is requested and the Examiner is requested to contact the undersigned, by telephone, to schedule the same.

Respectfully submitted,



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